G. R. S. 58]

Previous references.

1897
~~191~~ .
(Courts)

File No. 79

Serial Nos. 1 - 2

Later references.

Courts 122 of 98.

9

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 2

Part B for December 1897.

SUBJECT.

Divesting Magistrates of police functions.

(Indexed)

W D 1351—GPB—20,000—13-12-15

Extract from Dasara Proceedings of the year 1894

Subject No. 36.

Separation of Magisterial duties from Amildars and appointment of Stationary Sub-Magistrates.

Summary of discussion

Amildars have a great variety of duties to discharge; their Revenue work alone is sufficient to engage them only. They are constantly travelling in their Taluks, whereby there is great delay in the disposal of their criminal work besides the inconvenience to which parties and witnesses are put in having to go after them. It is better therefore to divest them of Magisterial work and appoint Stationary Sub-Magistrates as in the Madras Presidency. These would also be less biassed than Amildars often are, with their Sometimes too close acquaintance with the parties concerned. A Separation of functions in this way will conduce to the prompt and proper discharge of all functions.

Mr Sadasiva Rao (Pleader and Land-holder

Land-holder and R. M from Doddballapur Municipality) urged that this would lower the Amildar's prestige and make him less useful The Amildar's tours can cause no inconvenience, as he is required to attend at the Head-Quarters of his Taluk for the disposal of his Magisterial work

Deenan's reply — The Separation of Magisterial functions from Amildars and the appointment of Stationary Sub-Magistrates is now impracticable. Moonsiffs are also Magistrates and in Several places afford the relief required.

PS

Subd to the Secy

In Pro: No 9118-28 & 11.12.92 Govt have
J. 508-92
given reasons for their decision that Amildars
shd continue to be the head of Taluk Police. The
question whether they shd not exercise magl. functions
also in addn to Revenue & Police functions has engaged
the attention of Govt more than once. In the Pro
to Subject No 36 of 1894 it was stated that the
separation of magl functions from Amildars
was not impracticable. There must be other refces
Shall I have them all looked up & submd?

BBR 13/7/97

Office

As same time I moved
about send this file &
an extract from the
Nagara Proceedings of
1894 - Other refs may
be looked for & submd
by & by if necessary.
The order of 11-12-92
contains a clear exposi
tion of the views of
Govt, & I am not
aware that any thing
has since been altered
which would
necessitate
a reconsideration of
those views -

Subd by Secy

14-7-97

6540

There is much in the said &
said that suspend separation of Taluk
powers from ours. - but
it cannot be denied that as
a rule Amildars do not dispose of
criml work expeditiously & satisfactorily.
Their Taluk & other functions multiply daily.
I think the time has arrived
for adopting the same measures
which, after a good deal of debate
=tion has been adopted in Madras
and with success - viz of divesting
Amildars of magl powers & appointing
stationary 1st Magistrates. If this cd not
be done the next best course is
to divest Amildars of all other functions
with a small local limit & confine

1897-98 4 12

OFFICE OF THE DEWAN OF MYSORE
62
8 - JUL 1897

From

The Registrar of the
Chief Ct of Judy

To

The Secretary to the
Govt of Mysore

Dated 2nd July/97

Despd 3d
6
39
No 3

Requests that the matter
of divesting Magistrates
of Police functions may
be laid before the Govt
for consideration and
orders.

Section
File No
Serial No

Govt
5.7.97
J.F. No 204 of 1892-93 on the subject
put up. BBR
13/7/97

24

I think Amt. may be relieved of all fears on that. The Court [illegible] act in harmony with each other - whereas if there were a single Judge at the head of the Court the [illegible] exert his utmost to do his work better - At present there is no interest [illegible] work - I am therefore in favor of the opinion expressed by the present Judges of the Court which is also the opinion I formed during my term of office as Chief Judge and as counsel during the time I was in the Court.

R. Thumboo
14. 7. 97

Submitted to Dewan

Subd to Dewan
14-7-97

Subd to the Dewan
Sec.
14.12.97

5 Bangalore 2nd July 1897.

No. 39/3

(13)

From

The Registrar of the
Chief Court of Mysore

To

The Secretary to the
Government of Mysore.

File No.....

Serial No.....

Sir,

I am directed to state that the Chief Judge, in his recent inspection of some of the Amildar magistrates' Courts, observed that Criminal Cases were adjourned frequently to distant dates on the ground that the magistrates had to go out of the head quarters on Police duty. The District Magistrate of Shimoga has also remarked in his report of inspection of the Criminal Registers of the Amildar magistrates' Court at Shikarpur, that some of the old cases were adjourned to distant dates for the reason stated above. The Combination of Police and magistrial powers in one and the same person appears to the Judges to be unnecessary, and that, in the interests of Justice and to avoi unnecessary delay in the disposal of Criminal cases, it is desirable, where possible, to divest

magistrates

magistrates of Police functions. I am, therefore, to request that the matter may be laid before the Government for their consideration and orders.

I have the honor to be,
Sir,
your most Obedient Servant,

Registrar

G.L.

(14)

Read:-

Letter No. 39/3 dated 2nd July 1897 from the Registrar of the Chief Court of Mysore, stating that in the opinion of the Judges, the combination of Police and Magisterial powers, in one and the same person, is unnecessary and that in the interests of ~~Justice~~ Police and to avoid unnecessary delay in the disposal of criminal cases, it is desirable, where possible to divest Magistrates of Police functions; and soliciting orders of Govt. in the matter of the proposed change.

Section.....
File No.....
Serial No.....

Order thereon No. 1 of 13th Dec. 1897.

The Government regret their inability to agree to the proposed change of the System ... heir

which has so repeatedly
been decided as the
most suitable.

A
22-12-97

6/12/97 Secretary

Should this be listed?
Not necessary A.

To
The Registrar of the
Chief Court.